

**Notice of Allowability**

Application No.

10/798,167

Examiner

Fadi H. Dahbour

Applicant(s)

GARABADIAN, CHARLES

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.


1. ☒ This communication is responsive to communication filed on 3/11/04.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/11/04
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

  
Fadi H. Dahbour  
Examiner  
Art Unit 3743

**DETAILED ACTION**

***Allowable Subject Matter***

1. The allowed claims are 1-19.
2. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or fairly suggest the recitations of the specific features of the dental appliance, of claims 1, 11 and 15, including especially the following:

The primary reason for the allowance of independent claim 1, is the inclusion of the lower bite pad located anterior to the upper bite pad so that the upward projecting bite surface of the lower bite pad is free to engage the maxillary occlusal surface of the upper tray, and the downward projecting bite surface of the upper bite pad is free to engage the mandibular occlusal surface of the lower tray to maintain the occlusal surfaces in a predetermined spaced relationship, and the bite pads arranged to abut each other for advancing the mandible and preventing posterior movement while allowing lateral and vertical flexibility.

The primary reason for the allowance of independent claim 11, is the inclusion of the upper and lower bite pads staggered to position the lower bite pad anterior to the upper bite pad so that the lower bite pad is free to engage the maxillary occlusal surface of the upper tray, and the upper bite pad is free to engage the mandibular occlusal surface of the lower tray to vertically separate the trays, and the bite pads arranged to abut each other to prevent posterior movement of the mandible.

The primary reason for the allowance of independent claim 15, is the inclusion of the upper and lower bite pads staggered to position the lower bite pad anterior to the upper bite pad so that the lower bite pad is free to engage the maxillary occlusal surface of the upper tray, and the upper bite pad is free to engage the mandibular occlusal surface of the lower tray to vertically separate the trays, and the bite pads arranged to abut each other to prevent posterior movement of the mandible.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cook, Sue, Ochel, Quinn, Lentine, Gores ('667), Gores ('069) and Thompson are cited to show dental appliances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadi H. Dahbour whose telephone number is 571-272-4792. The examiner can normally be reached on M-F, 9am-5:30pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (571) 272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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